

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

Brett S Heckmann

Plaintiff,

v.

Case No.: 1:19-cv-00472-JJM-PAS

Brendan McDonald, et al.

Defendant.

ORDER REFERRING CASE TO ALTERNATE DISPUTE RESOLUTION

It is hereby ordered that Berry Mitchell be appointed to provide mediation services without compensation in the abover referenced case, and that parties and their counsel shall participate in the mediation in good faith. It is further ordered that:

1. Mediation proceedings in this matter shall be governed by the confidentiality provisions of sections VIII and IX of the ADR Plan. Rule 408 of the Federal Rules of Evidence shall apply to information, statements and evidence generated in the course of mediation.
2. Moreover, the memoranda and other work product of the appointed mediator, and any communication made to the appointed mediator relating to the subject matter of the case referred to ADR, shall not be subject to disclosure in any subsequent civil or administrative proceeding.
3. All parties, lead counsel of record, and claims professionals having full authority to bind and settle this case shall attend the mediation in person. "Settlement Authority" means the individual with control of the full financial settlement resources involved in the case, including the full financial authority and ability to agree to a binding settlement agreement.
4. Mediation proceedings shall be conducted in accordance with procedures outlined in the Court's ADR Plan as amended (which can be found on the Court's website at www.rid.uscourts.gov) and such additional requirements as the mediator shall require.
5. Counsel for the parties shall submit to the mediator a Mediation Statement that conforms to the content outlined in the mediator's Notice of Mediation.
6. Mediation Statements shall not be exchanged with opposing counsel but are to be sent directly to the mediator. No extension of the date and time of the mediation shall be allowed without the express written assent of the mediator.
7. The mediator shall issue a Notice of Mediation setting forth the date and time of the mediation in due course.

It is so ordered.

November 18, 2019

By the Court:

/s/ John J. McConnell, Jr.
United States District Judge

U.S. District Court
for the District of Rhode Island
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